

Message Text

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ACTION L-03

INFO OCT-01 EA-09 NEA-10 ISO-00 IO-11 CIAE-00 DODE-00

PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 CU-04 EB-07 OES-05 AGR-10 COME-00 AID-05

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P 250215Z FEB 76

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC PRIORITY 2863

INFO AMEMBASSY BANGKOK PRIORITY

AMEMBASSY CANBERRA PRIORITY

AMEMBASSY KUALA LUMPUR PRIORITY

AMEMBASSY MANILA PRIORITY

AMEMBASSY NEW DELHI PRIORITY

AMEMBASSY PORT MORESBY PRIORITY

AMEMBASSY SINGAPORE PRIORITY

AMEMBASSY TOKYO PRIORITY

AMEMBASSY WELLINGTON PRIORITY

UNCLAS SECTION 1 OF 2 JAKARTA 2495

WELLINGTON ALSO FOR ASST SECY HABIB

E.O. 11652: N/A

TAGS: PFOR, ASEAN

SUBJ: TEXT OF ASEAN TREATY OF AMITY AND COOPERATION IN
SOUTHEAST ASIA

1. FOLLOWING IS TEXT OF ASEAN TREATY OF AMITY AND
COOPERATION IN SOUTHEAST ASIA CARRIED BY OFFICIAL NEWS
AGENCY ANTARA FEBRUARY 25.

BEGIN TEXT:

TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA.

PREAMBLE

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THE HIGH CONTRACTING PARTIES:

CONCIOUS OF THE EXISTING TIES OF HISTORY,
GEOGRAPHY AND CULTURE, WHICH HAVE BOUND THEIR PEOPLES
TOGETHER;
ANXIOUS TO PROMOTE REGIONAL PEACE AND STABILITY
THROUGH ABIDING RESPECT FOR JUSTICE AND THE RULE OF
LAW AND ENHANCING REGIONAL RESILIENCE IN THEIR
RELATIONS;
DESIRING TO ENHANCE PEACE, FRIENDSHIP AND MUTUAL
COOPERATION ON MATTER AFFECTING SOUTHEAST
ASIA CONSISTENT WITH THE SPIRIT AND PRINCIPLES OF THE
CHARTER OF THE UNITED NATIONS, THE TEN PRINCIPLES
ADOPTED BY THE ASIAN-AFRICAN CONFERENCE IN BANDUNG
ON 25 APRIL 1955, THE DECLARATION OF THE
ASSOCIATION OF SOUTHEAST ASIAN NATIONS SIGNED IN
BANGKOK ON 8 AUGUST 1967, AND THE DECLARATION SIGNED
IN KUALA LUMPUR ON 27 NOVEMBER 1971;
CONVINCED THAT THE SETTLEMENT OF DIFFERENCES OR
DISPUTES BETWEEN THEIR COUNTRIES SHOULD BE
REGULATED BY RATIONAL, EFFECTIVE AND SUFFICIENTLY
FLEXIBLE PROCEDURES, AVOIDING NEGATIVE ATTITUDES WHICH
MIGHT ENDANGER OR HINDER COOPERATION;
BELIEVING IN THE NEED FOR COOPERATION WITH ALL
PEACE-LOVING NATIONS, BOTH WITHIN AND OUTSIDE
SOUTHEAST ASIA, IN THE FURTHERANCE OF WORLD PEACE,
STABILITY AND HARMONY;
SOLEMNLY AGREE TO ENTER INTO A TREATY OF AMITY
AND COOPERATION AS FOLLOWS:

CHAPTER I

PURPOSE AND PRINCIPLES

ARTICLE 1

THE PURPOSE OF THIS TREATY IS TO PROMOTE
PERPETUAL PEACE, EVERLASTING AMITY AND COOPERATION
AMONG THEIR PEOPLES WHICH WOULD CONTRIBUTE TO THEIR
STRENGTH, SOLIDARITY AND CLOSER RELATIONSHIP.

ARTICLE 2

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IN THEIR RELATIONS WITH ONE ANOTHER, THE HIGH
CONTRACTING PARTIES SHALL BE GUIDED BY THE FOLLOWING
FUNDAMENTAL PRINCIPLES:

- (A) MUTUAL RESPECT FOR THE INDEPENDENCE, SOVERIGNTY,
EQUALITY, TERRITORIAL INTEGRITY AND NATIONAL
IDENTITY OF ALL NATIONS;
- (B) THE RIGHT OF EVERY STATE TO LEAD ITS NATIONAL

EXISTENCE FREE FROM EXTERNAL INTERFERENCE,
SUBVERSION OR COERCION;

(C) NON-INTERFERENCE IN THE INTERNAL AFFAIRS
OF ONE ANOTHER;

(D) SETTLEMENT OF DIFFERENCES OR DISPUTES BY
PEACEFUL MEANS;

(E) RENUNCIATION OF THE THREAT OR USE OF FORCE;

(F) EFFECTIVE COOPERATION AMONG THEMSELVES.

CHAPTER II AMITY

ARTICLE 3

IN PURSUANCE OF THE PURPOSE OF THIS TREATY THE
HIGH CONTRACTING PARTIES SHALL ENDEAVOUR TO DEVELOP
AND STRENGTHEN THE TRADITIONAL, CULTURAL AND HISTORICAL
TIES OF FRIENDSHIP, GOOD NEIGHBOURLINESS AND
COOPERATION WHICH BIND THEM TOGETHER AND SHALL FULFILL
IN GOOD FAITH THE OBLIGATIONS ASSUMED UNDER THIS TREATY.
IN ORDER TO PROMOTE CLOSER UNDERSTANDING AMONG THEM,
THE HIGH CONTRACTING PARTIES SHALL ENCOURAGE AND
FACILITATE CONTACT AND INTERCOURSE AMONG THEIR PEOPLES.

CHAPTER III CO-OPERATION

ARTICLE 4

THE HIGH CONTRACTING PARTIES SHALL PROMOTE ACTIVE
CO-OPERATION IN THE ECONOMIC, SOCIAL, CULTURAL, TECHNICAL,
SCIENTIFIC AND ADMINISTRATIVE FIELDS AS WELL AS IN
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MATTERS OF COMMON IDEALS AND ASPIRATIONS, OF INTERNATIONAL
PEACE AND STABILITY IN THE REGION AND ALL OTHER MATTERS
OF COMMON INTEREST.

ARTICLE 5

PURSUANT TO ARTICLE 4 THE HIGH CONTRACTING PARTIES
SHALL EXERT THEIR MAXIMUM EFFORTS MULTILATERALLY AS
WELL AS BILATERALLY ON THE BASIS OF EQUALITY, NON-
DISCRIMINATION AND MUTUAL BENEFIT.

ARTICLE 6

THE HIGH CONTRACTING PARTIES SHALL COLLABORATE
FOR THE ACCELERATION OF THE ECONOMIC GROWTH IN THE
REGION IN ORDER TO STRENGTHEN THE FOUNDATION FOR A
PROSPEROUS AND PEACEFUL COMMUNITY OF NATIONS

IN SOUTHEAST ASIA. TO THIS END, THEY SHALL PROMOTE THE GREATER UTILIZATION OF THEIR AGRICULTURE AND INDUSTRIES, THE EXPANSION OF THEIR TRADE AND THE IMPROVEMENT OF THEIR ECONOMIC INFRA-STRUCTURE FOR THE MUTUAL BENEFIT OF THEIR PEOPLES. IN THIS REGARD, THEY SHALL CONTINUE TO EXPLORE ALL AVENUES FOR CLOSE AND BENEFICIAL CO-OPERATION WITH OTHER STATES AS WELL AS INTERNATIONAL AND REGIONAL ORGANIZATIONS OUTSIDE THE REGION.

ARTICLE 7

THE HIGH CONTRACTING PARTIES, IN ORDER TO ACHIEVE SOCIAL JUSTICE AND TO RAISE THE STANDARDS OF LIVING OF THE PEOPLES OF THE REGION, SHALL INTENSIFY ECONOMIC COOPERATION. FOR THIS PURPOSE, THEY SHALL ADOPT

APPROPRIATE REGIONAL STRATEGIES FOR ECONOMIC DEVELOPMENT AND MUTUAL ASSISTANCE.

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC PRIORITY 2864

INFO AMEMBASSY BANGKOK PRIORITY

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ARTICLE 8

THE HIGH CONTRACTING PARTIES SHALL STRIVE TO ACHIEVE THE CLOSEST COOPERATION ON THE WIDEST SCALE AND SHALL SEEK TO PROVIDE ASSISTANCE TO ONE ANOTHER IN THE FORM OF TRAINING AND RESEARCH FACILITIES IN THE SOCIAL, CULTURAL, TECHNICAL, SCIENTIFIC AND ADMINISTRATIVE FIELDS.

ARTICLE 9

THE HIGH CONTRACTING PARTIES SHALL ENDEAVOUR TO FOSTER COOPERATION IN THE FURTHERANCE OF THE CAUSE OF PEACE, HARMONY AND STABILITY IN THE REGION. TO THIS END, THE HIGH CONTRACTING PARTIES SHALL MAINTAIN REGULAR CONTACTS AND CONSULTATIONS WITH ONE ANOTHER ON INTERNATIONAL AND REGIONAL MATTERS WITH UNCLASSIFIED

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A VIEW TO CO-ORDINATING THEIR VIEWS, ACTIONS AND POLICIES.

ARTICLE 10

EACH HIGH CONTRACTING PARTY SHALL NOT IN ANY MANNER OR FORM PARTICIPATE IN ANY ACTIVITY WHICH SHALL CONSTITUTE A THREAT TO THE POLITICAL AND ECONOMIC STABILITY, SOVERIGNTY, OR TERRITORIAL INTEGRITY OF ANOTHER HIGH CONTRACTING PARTY.

ARTICLE 11

THE HIGH CONTRACTING PARTIES SHALL ENDEAVOUR TO STRENGTHEN THEIR RESPECTIVE NATIONAL RESILIENCE IN THEIR POLITICAL, ECONOMIC, SOCIAL-CULTURAL AS WELL AS SECURITY FIELDS IN CONFORMITY WITH THEIR RESPECTIVE IDEALS AND INSPIRATIONS, FREE FROM EXTERNAL INTERFERENCE AS WELL AS INTERNAL SUBVERSIVE ACTIVITIES IN ORDER TO PRESERVE THEIR RESPECTIVE NATIONAL IDENTITIES.

ARTICLE 12

THE HIGH CONTRACTING PARTIES IN THEIR EFFORTS TO ACHIEVE REGIONAL PROSPERITY AND SECURITY, SHALL ENDEAVOUR TO COOPERATE IN ALL FIELDS FOR THE PROMOTION OF REGIONAL RESILIENCE, BASED ON THE PRINCIPLES OF SELF-CONFIDENCE, SELF-RELIANCE, MUTUAL RESPECT, CO-OPERATION AND SOLIDARITY WHICH WILL CONSTITUTE THE FOUNDATION FOR A STRONG AND VIABLE COMMUNITY OF NATIONS IN SOUTHEAST ASIA.

CHAPTER IV
PACIFIC SETTLEMENT OF DISPUTES

ARTICLE 13

THE HIGH CONTRACTING PARTIES SHALL HAVE THE
DETERMINATION AND GOOD FAITH TO PREVENT DISPUTES FROM
ARISING. IN CASE DISPUTES ON MATTERS DIRECTLY
AFFECTING THEM SHOULD ARISE, ESPECIALLY DISPUTES
LIKELY TO DISTURB REGIONAL PEACE AND
HARMONY, THEY SHALL REFRAIN FROM THE THREAT OR USE
OF FORCE AND SHALL AT ALL TIMES SETTLE SUCH DISPUTES
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AMONG THEMSELVES THROUGH FRIENDLY NEGOTIATIONS.

ARTICLE 14

TO SETTLE DISPUTES THROUGH REGIONAL PROCESSES,
THE HIGH CONTRACTING PARTIES SHALL CONSTITUTE, AS
A CONTINUING BODY, A HIGH COUNCIL COMPRISING A
REPRESENTATIVE AT MINISTERIAL LEVEL FROM EACH OF THE
HIGH CONTRACTING PARTIES TO TAKE COGNIZANCE OF THE
EXISTENCE OF DISPUTES OR SITUATIONS LIKELY TO DISTURB
REGIONAL PEACE AND HARMONY.

ARTICLE 15

IN THE EVENT NO SOLUTION IS REACHED THROUGH DIRECT
NEGOTIATIONS, THE HIGH COUNCIL SHALL TAKE
COGNIZANCE OF THE DISPUTE OR THE SITUATION AND SHALL
RECOMMEND TO THE PARTIES IN DISPUTE APPROPRIATE
MEANS OF SETTLEMENT SUCH AS GOOD OFFICES,
MEDIATION, INQUIRY OR CONCILIATION. THE HIGH COUNCIL
MAY HOWEVER OFFER ITS GOOD OFFICES OR, UPON AGREEMENT
OF THE PARTIES IN DISPUTE, CONSTITUTE ITSELF INTO A
COMMITTEE OF MEDIATION, INQUIRY OR CONCILIATION. WHEN
DEEMED NECESSARY, THE HIGH COUNCIL SHALL RECOMMEND
APPROPRIATE MEASURES FOR THE PREVENTION OF A
DETERIORATION OF THE DISPUTE OR THE SITUATION.

ARTICLE 16

THE FOREGOING PROVISIONS OF THIS CHAPTER SHALL
NOT APPLY TO A DISPUTE UNLESS ALL THE PARTIES TO THE
DISPUTE AGREE TO THEIR APPLICATION TO THAT DISPUTE.
HOWEVER, THIS SHALL NOT PRECLUDE THE OTHER
HIGH CONTRACTING PARTIES NOT PARTY TO THE DISPUTE,
FROM OFFERING ALL POSSIBLE ASSISTANCE TO SETTLE THE
SAID DISPUTE. THE PARTIES TO THE DISPUTE SHOULD BE
WELL DISPOSED TOWARD SUCH OFFER OF ASSISTANCE.

ARTICLE 17

NOTHING IN THIS TREATY SHALL PRECLUDE RECOURSE
TO THE MODES OF PEACEFUL SETTLEMENT CONTAINED IN
ARTICLE 33(1) OF THE CHARTER OF THE UNITED NATIONS.
THE HIGH CONTRACTING PARTIES WHICH ARE PARTIES TO A
DISPUTE SHOULD BE ENCOURAGED TO TAKE INITIATIVES TO
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SOLVE IT BY FRIENDLY NEGOTIATIONS BEFORE RESORTING
TO THE OTHER PROCEDURES PROVIDED FOR IN THE CHARTER
OF THE UNITED NATIONS.

CHAPTER V
GENERAL PROVISIONS

ARTICLE 18

THIS TREATY SHALL BE SIGNED BY THE REPUBLIC OF
INDONESIA, MALAYSIA, THE REPUBLIC OF PHILIPPINES, THE
REPUBLIC OF SINGAPORE AND THE KINGDOM OF THAILAND.
IT SHALL BE RATIFIED IN ACCORDANCE WITH THE CON-
SITUATIONAL PROCEDURES OF EACH SIGNATORY STATE.
IT SHALL BE OPEN FOR ACCESSION BY OTHER STATES
IN SOUTHEAST ASIA.

ARTICLE 19

THIS TREATY SHALL ENTER INTO FORCE ON THE DATE
OF THE DEPOSIT OF THE FIFTH INSTRUMENT OF RATIFICATION
WITH THE GOVERNMENTS OF THE SIGNATORY STATES WHICH ARE
DESIGNATED DEPOSITORIES OF THIS TREATY AND
OF THE INSTRUMENTS OF RATIFICATION OR ACCESSION.

ARTICLE 20

THIS TREATY IS DRAWN UP IN THE OFFICIAL LANGUAGES
OF THE HIGH CONTRACTING PARTIES, ALL OF WHICH ARE
EQUALLY AUTHORITATIVE. THERE SHALL BE AN AGREED
COMMON TRANSLATION OF THE TEXTS IN THE ENGLISH LANGUAGE.
ANY DIVERGENT INTERPRETATION OF THE COMMON TEXT SHALL
BE SETTLED BY NEGOTIATION.

IN FAITH THEREOF THE

HIGH CONTRACTING PARTIES HAVE SIGNED THE TREATY AND
HAVE HERETO AFFIXED THEIR SEALS.

DONE I DENPASAR BALI ON THE TWENTYFOURTH DAY OF FEBRUARY
IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY SIX.
NEWSOM

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